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GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

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ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committee on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Friday, March 27, 2015  
10:30 AM  
State Capitol, Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 25  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT HAUULA,  
KOOLAULO, OAHU, FOR THE USE, MAINTENANCE AND REPAIR  
OF THE EXISTING RESIDENCE, FOUNDATION, AND LANAI**

House Concurrent Resolution 25 requests the authorization to issue a term, non-exclusive easement covering 542 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 5-4-010:seaward of 009, at Hauula, Koolauloa, Oahu for use, maintenance and repair of existing residence, foundation and lanai constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this Administration concurrent resolution.**

The current owners of the abutting property, Scott & Beverly-Jo Miyasaki<sup>1</sup> and Tracy Lindo, worked with the Department to resolve the encroachment. The improvements were found encroaching on State lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources ("Board") may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on August 22, 2014, under agenda item D-20, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

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<sup>1</sup> The correct name of one of the owners should be Beverly-Jo Miyasaki.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.